

**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF  
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT  
NO.44/2014**

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**IN THE MATTER OF KIRK SMITH VS  
DAIMIAN MASTERS**

**AND**

**IN THE MATTER OF THE LEGAL PROFESSION  
ACT 1971**



**PANEL: MR. WALTER SCOTT, Q.C.  
MR. TREVOR HO-LYN  
MRS. DEBRA MCDONALD**

**DECISION DELIVERED ON 24<sup>TH</sup> JUNE, 2017**

**UPON THE APPLICATION** dated January 16, 2014 made under Section 12(1) of the Legal Profession Act and coming on for hearing before the Disciplinary Committee on the 13<sup>th</sup> December, 2014, 18<sup>th</sup> April, 2015, 16<sup>th</sup> May, 2015, 28<sup>th</sup> November, 2015, 27<sup>th</sup> February, 2016, 23<sup>rd</sup> July, 2016 and 24<sup>th</sup> June, 2017

**AND UPON** the Complainant Kirk Smith appearing on 28<sup>th</sup> November, 2015 and giving evidence on oath

**AND UPON** the attorney-at-law Daimian Master being present only on 18<sup>th</sup> April, 2015 and absent on all other scheduled dates of hearing and there being no material advanced in mitigation and no submissions made in that regard by him

**AND UPON DUE CONSIDERATION** of the sworn evidence of the Complainant

**THE COMMITTEE FINDS THAT:**

The attorney is guilty of professional misconduct as per Canon VIII (d) of the Legal Profession (Canons of Professional Ethics) Rules in that he has breached the following Canons as set out hereunder:

Canon 1(b) which provides that "An Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behavior which may tend to discredit the profession of which he is a member."

Canon IV (r) "An attorney shall deal with his client's business with all due expedition and shall whenever reasonably so required by the client, provide him with all information as to the progress of the client's business with due expedition."

Canon IV(s) "In the performance of his duties an Attorney shall not act with inexcusable and deplorable negligence or neglect."

Canon VII (b) (ii) "An attorney shall account to his client for all monies in the hands of the Attorney for the account or credit of the client, whenever reasonably required to do so."

**PURSUANT TO THE FOREGOING FINDINGS AND THE COMMITTEE HAVING NOTED THAT THE ATTORNEY DAIMIAN MASTER HAS BEEN STRUCK OFF IN ANOTHER MATTER, UNANIMOUSLY HEREBY ORDERED THAT:-**

Pursuant to S 12(4) (a) of the Legal Profession Act as amended:

- (a) The name of the Attorney Daimian Master, is struck off the Roll of Attorneys-at-law entitled to practice in the several courts of the island of Jamaica.
- (b) The Attorney Daimian Master shall pay restitution to the Complainant in the sum of \$110,000.00
- (c) The Attorney shall pay costs of these proceedings in the amount of Fifty Thousand Dollars (\$50,000.00) to the Complainant and Twenty Thousand Dollars (\$20,000.00) to the General Legal Council.

  
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**CHAIRMAN OF THE PANEL**

**Dated 28<sup>th</sup> June, 2017**